IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 12.12.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.45480 of 2006

A.M.Rasheed .. Petitioner

Vs.

1.The District Colelctor,
The Nilgiri District at
Uthagamandalam.

2.The Executive Officer,
Kotagiri Town Panchayat,
Special Grade, Kotagiri,
The Nilgiris District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to take necessary action to control the stray dogs in and around Kotagiri Taluk.

For Petitioner : Mr.C.D.Johnson
For 1st Respondent : Mr.K.Elango,
Special Government Pleader

For 2nd respondent : Mrs.Bhavani Subbarayan
Government Advocate,

ORDER

(Order of the Court was delivered by P. SATHASIVAM, J.)

Mr.A.M.Rasheed, General Secretary of Traders and Merchants Association, Kotagiri, has filed this writ petition, by way of Public Interest Litigation, praying to issue a Writ of Mandamus directing the respondents viz., the District Collector, Nilgiris and the Executive Officer, Kotagiri Town Panchayat, Nilgiris District, to take necessary action to control the stray dogs in and around Kotagiri Taluk.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

2. In the affidavit filed in support of the above writ petition, it is contended that Kotagiri is a Small Taluk of Nilgiris District. The population of the Kotagiri Taluk is nearly 30,000. It is a Tourist spot and number of visitors visit Kotagiri Taluk. There are nearly 1000 stray dogs in and around Kotagiri Taluk. These stray dogs are commonly seen at busy areas such as the market, the Government Hospital, Bus stand and nearby schools. Everyday 6 to 7 peoples are being attacked by the stray dogs and they take initial treatment at Government Hospital, Kotagiri and thereafter they are referred to the Louis Pasteur Institute at Coonoor for further treatment. It is further stated that several representations were sent to local authorities to take necessary action to curb the menace of these stray dogs. But the Civic Authorities failed to take appropriate steps. On 28.10.2006 at about 8.30 a.m., a student by name Nagaraj, aged about 7 years studying in II standard at St. Marys Elementary School was attacked by nearly 20 stray dogs and the boy was seriously injured. Initially treatment was given at Government Hospital, Kotagiri, and thereafter he was referred to the Louis Pasteur Institute at Coonoor and nearly 400 sutures were put on the body of the boy and 200 wounds were kept open to give initial treatment to arrest any further virus or bacterial attack. After some time, the boy was referred to Coimbatore for further treatment. At the time of filing of the writ petition it is stated that the boy was still taking treatment at the hospital. On 30.10.2006, the Kotagiri Taluk Traders and Merchants Association gave the fax message to the Honourable Chief Minister narrating the incident that happened on 28.10.2006 and the copy of the same was also sent to the respondents and they also gave representation to the District and Taluk Administration to curb the menace of stray dogs. Till date, no action is taken by the Civic Authorities, hence, the present writ petition before this Court.

3. Pursuant to the direction of this Court, the second respondent viz., Executive Officer of Kotagiri Town Panchayat, Special Grade, Nilgiris District has filed a counter affidavit wherein it is stated that there are only a few hundred dogs in Kotagiri Taluk, not 1000 dogs as claimed by the petitioner. So far, no complaints were received by the Panchayat before the said incident. The Town Panchayat has taken effective steps to curb the menace of stray dogs. The stray dogs are vaccinated and most of them were caught and they were left in remote area by Town Panchayat Authority with the help of dog catching experts. The St.Mary's Elementary School, where the boy was studying is situated in a valley at a depth of 300 metres from the main road. The Sub Divisional Magistrate and the Revenue Divisional Officer, Coonoor,

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

by an order dated 29.10.2006, directed to clear nuisance giving country dogs within two days thereby giving relief to the public in the area. Pursuant to the said direction, the country dogs were vaccinated by the animal Welfare Board (Blue Cross) at Mavanellah and most of the dogs were caught by the dog catching experts and Town Panchayat workers. The District Collector has directed all the local bodies and officials to take necessary steps for vaccination and perform animal birth control measures in their jurisdiction as per rules in force and regular steps have been taken by the second respondent to curb the dog menace. On coming to know about the unfortunate incident that took place on 28.10.2006, the District Administration immediately took effective steps and the boy was sent to Kuppusamy Naidu Hospital, Coimbatore. The Collector has sanctioned the amount for the transport and other expenditure and he took personal interest and spoke to the Dean of Kuppusamy Naidu Hospital to ensure the best possible medical treatment to the boy.

4. Apart from the efforts made by the District Collector, an amount of Rs.50,000/- was sanctioned from the Chief Minister's Relief Fund immediately for meeting out all the medical expenses. The boy was now completely recovered and as on date he is living with his parents. On 30.11.2006, the Vice Chairperson of Animal Welfare Board of India had visited the place and he has promised to help the local bodies for doing Animal Birth Control and vaccination of dogs in future. Subsequent to the said incident, the second respondent-Town Panchayat has taken all efforts to curb the dog menace and also vaccinated them. At present, there are only a few dogs in Kottagiri Town Panchayat area and the matter is now under control.

5. We have heard the learned counsel appearing for the petitioner as well as the respondents.

6. At the foremost, we appreciate the efforts taken by the petitioner, who filed this petition highlighting the dog menace at Kotagiri, which is a Tourist spot. The information furnished in paragraph 6 of the affidavit shows as to how the victim viz., Nagaraj, aged about 7 years studying II standard might have undergone pain and sufferings due to the attack by nearly 20 stray dogs. We also appreciate the efforts taken by the District Administration in taking the boy initially to the Government Hospital at Coonoor and thereafter to Coimbatore for special treatment. It is brought to our notice that after taking treatment, the boy was sent along with his parents and as on date, even according to the learned counsel for the petitioner, the boy is attending the school.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

7. The counter affidavit filed by the second respondent shows the efforts taken by the District Administration for sending the boy to Kuppusamy Naidu Hospital, Coimbatore and further efforts taken by the Collector by contacting the Dean of the Hospital for providing best medical treatment to the victim. Though we are inclined to award compensation for the injuries sustained by the boy due to dog biting, in view of the information furnished by the second respondent viz., that a sum of Rs.50,000/- was sanctioned from the Chief Minister's Relief Fund, apart from meeting out the medical expenses, we are not inclined to issue any further direction, except appreciating the immediate steps taken by the persons concerned, particularly, the District Administration.

8. Coming to the grievance expressed by the petitioner, who is none else than the General Secretary of Kotagiri Traders and Merchants Association and taking note of the fact that the Kotagiri Town being an important Tourist Centre, it is but proper on the part of the second respondent to take appropriate steps to eradicate the dog menace. In the counter affidavit, though the second respondent has highlighted the steps taken by them, we issue further direction to respondents 1 and 2 to see that no such occurrence, which had taken on 28.10.2006 should occur in future. It is the duty of the second respondent to catch the stray dogs with the assistance of Animal Welfare Board of India (Blue Cross).

9. We further direct the second respondent to deploy more personnel and take all steps to eradicate the stray dogs menace by sending all the stray dogs to the custody of Animal Welfare Board or to far away place. The respondents are further directed that they must evince more interest, particularly, in a place, where the children assemble. We direct the first respondent to make a periodical inspection to Kotagiri Town and issue appropriate direction to the second respondent by providing necessary funds, if the second respondent makes any such request, for eradication of stray dogs menace.

10. In view of the assurance given by the second respondent-the Executive Officer, Kotagiri Town Panchayat, Special Grade, Nilgiris District, in the counter affidavit that all necessary steps would be taken, except recording the same, we are of the view that no further direction is required in this regard.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

11. In the light of what is stated above and in view of the gesture shown by the District Administration as well as the amount sanctioned from the Chief Minister's Relief Fund, no further direction is required. The writ petition is closed. No costs.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The District Colelctor,
The Nilgiri District at Uthagamandalam.

2.The Executive Officer,
Kotagiri Town Panchayat,
Special Grade, Kotagiri,
The Nilgiris District.

+ 1 cc to Mr. C. D. Johnson, Advocate, SR No.61561

+ 1 cc to the Government Pleader, High Court, Madras 104
SR No.61769

W.P.No.45480 of 2006

SGL(CO)
SR/18.12.2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/